



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AB:SSS/GMM
F. #2016R02185

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 12, 2018

By ECF and Interoffice Mail

The Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Donville Inniss
Criminal Docket No. 18-134 (KAM)

Dear Judge Matsumoto:

The government respectfully submits this letter in advance of the schedule set for the above-referenced defendant to file a pretrial motion regarding the first specified unlawful activity theory of Counts One through Three of the Superseding Indictment in the above-referenced case – specifically, an underlying violation of the Foreign Corrupt Practices Act, Title 15, United States Code, Section 78dd-2. In lieu of motion practice, and in light of the Second Circuit's decision in United States v. Hoskins, 902 F.3d 69 (2d Cir. 2018), the government is voluntarily dismissing without prejudice the aforementioned specified unlawful activity theory, which is set forth in subsection (i) of paragraphs 23 and 25 of the Superseding Indictment.

To that end, the government understands that the order of excludable delay that is in effect through the completion of the motion schedule (January 25, 2019) is still applicable for the other reasons that the Court noted at the court appearance on October 23, 2018, including but not limited to allowing time to prepare for trial and review additional discovery.

Respectfully submitted,

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